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10/518,833	12/21/2004	Lutz Schneidereit	AT 020043	3615

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EXAMINER	
MAHMOOD, REZWANUL	
ART UNIT	**PAPER NUMBER**
2164	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/518,833	SCHNEIDEREIT ET AL.	
	Examiner	Art Unit	
	Rezwanul Mahmood	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-21 are pending in this office action.

Drawings

2. The drawings are objected to because they fail to show necessary textual labels of features or symbols in Figures 1-4 as described in the specification. A descriptive textual label for each numbered element in these figures would be needed to better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be labeled in the drawing. Optionally, the applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.84(n)(o), recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible."

Claim Objections

3. Claim 1 is objected to because of the following informalities:

4. In claim 1 lines 1-27, it is difficult to distinguish between the claimed subject matter and the preamble of the claim.

5. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 7-10, 13-18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Yankowski (US Patent 5,751,672).

8. With respect to claim 1, Yankowski discloses a playback system (400) comprising a meta data generating device (430) for generating meta data information (MD) and comprising a remote control device (420) for remote control of a playback device (10) for playing back, and comprising the playback device (10), the meta data generating device (430) comprising the means defined hereafter, namely receiving means (432) for receiving a data carrier (41) and meta data generating means (433) for generating meta data information (MD) relating to the data carrier (41), and meta data transmission means (434) for transmitting the meta data information (MD) to the remote control device (420), and in which the remote control devices (420) comprises the means defined hereafter, namely receiving means (421) for receiving the meta data information (MD), storage means (427) for storing the meta data information (MD), selection information generating means (425) for generating selection information (AI), and transmission means (440) for transmitting the selection information (AI) to the

playback device (10), and in which the playback device (10) comprises the means defined hereafter, namely receiving means (40) for receiving a data carrier (41) and playback means (51, 52, 53) for playing back user information contained on the data carrier (41), receiving means (13) for receiving the selection information (AI) from the remote control device (420), and processing means (51, 60) for processing the selection information (AI), user information contained and the data carrier (41) being selectable by the processing means (51, 60), characterized in that a data carrier (41) that can be inserted in the receiving means (432, 40) comprises at least one track, each track being determined by start position information and the meta data generating means (433) being arranged for generating meta data information (MD) which additionally include the start position information, and the selection information generating means (425) being arranged for generating selection information (AI) containing start position information and the processing means (51, 60) being arranged for processing selection information (AI) containing start position information, with the aid of which selection information (AI) containing start position information the selection of a track is made possible (Yankowski: Column 3, lines 1-41; Column 5, lines 37-53; Column 6, lines 51-63; Column 7, lines 55-67; Column 8, lines 1-13; Figure 2; Figure 3; Here a playback device receives a data carrier and can obtain the playback information. It can also receive the selection information for the data carrier from a remote database, which is then stored in the memory. The information is metadata information of the data in the data carrier consisting track information including the start position and track durations).

9. With respect to claim 2, Yankowski discloses a playback system (400) as claimed in claim 1, characterized in that the meta data generating device (430) and the playback device (10) are contained in a combination device (Yankowski: Column 6, lines 51-63; Figure 2; Figure 3).

10. With respect to claim 3, Yankowski discloses a playback system (400) as claimed in claim 1, characterized in that the meta data generating device (430) and the remote control device (420) are contained in a combination device (Yankowski: Column 7, lines 55-67; Column 8, lines 1-13; Figure 2; Figure 3).

11. With respect to claim 4, Yankowski discloses a playback system (400) as claimed in claim 1, characterized in that the selection information (AI) contains an identification data block in addition to the start position information, which identification data block can be formed for a data carrier (41) that can be inserted in the receiving means (432) (Yankowski: Column 5, lines 45-53; Column 7, lines 4-42; Column 10, lines 5-17; Here the TOC entry contains time and frame information, the start time can be determined by that information).

12. With respect to claim 7, Yankowski discloses a playback system (400) as claimed in claim 1, characterized in that the selection information (AI) is formed by an item of start position information, which start position information is determined by time information in hours, minutes, seconds and frames (Yankowski: Column 5, lines 45-53;

Column 7, lines 4-42; Column 10, lines 5-17; Here the TOC entry contains time and frame information, the start time can be determined by that information).

13. With respect to claim 8, Yankowski discloses a playback system (400) as claimed in claim 7, characterized in that the selection information (AI) is arranged as a track identification data block having four bytes, the respective bytes having the respective time information in hours, minutes, seconds and frames (Yankowski: Column 5, lines 45-53; Here the TOC entry occupies 72 bits and contains time and frame information).

14. With respect to claim 9, Yankowski discloses a meta data generating device (430) for generating meta data information (MD), which meta data generating device (430) comprises the means defined below, namely receiving means (432) for receiving a data carrier (41) and meta data generating means (433) for generating meta data information (MD) relating to the data carrier (41) and meta data transmission means (434) for transmitting the meta data information (MD) to a remote control device (420) for remote control of a playback device (10), characterized in that a data carrier (41) that can be inserted in the receiving means (432) comprises at least one track and each track is determined by start position information, and the meta data generating means (433) are arranged for generating meta data information (MD) which additionally contains the start position information (Yankowski: Column 3, lines 1-41; Column 5, lines 37-53; Column 6, lines 51-63; Column 7, lines 55-67; Column 8, lines 1-13; Figure

2; Figure 3; Here a playback device receives a data carrier and can obtain the playback information. It can also receive the selection information for the data carrier from a remote database, which is then stored in the memory. The information is metadata information of the data in the data carrier consisting track information including the start position and track durations).

15. With respect to claim 10, Yankowski discloses a meta data generating device (430) as claimed in claim 9, characterized in that the meta data information (MD) contains an identification data block in addition to the start position information, which identification data block can be formed for a data carrier (41) that can be inserted in the receiving means (432) (Yankowski: Column 5, lines 45-53; Column 7, lines 4-42; Column 10, lines 5-17; Here the TOC entry contains time and frame information, the start time can be determined by that information).

16. With respect to claim 13, Yankowski discloses a meta data generating device (430) as claimed in claim 9, characterized in that the start position information is determined by time information in hours, minutes, seconds and frames (Yankowski: Column 5, lines 45-53; Column 7, lines 4-42; Column 10, lines 5-17; Here the TOC entry contains time and frame information, the start time can be determined by that information).

17. With respect to claim 14, Yankowski discloses a remote control device (420) for

remote control of a playback device (10), the remote control device (420) comprising the means defined below, namely

receiving means (421) for receiving meta data information (MD) and storage means (427) for storing the meta data information (MD) and selection information generating means (425) for generating selection information (AI) and transmitting means (440) for transmitting the selection information (AI) to the playback device (10), characterized in that the meta data information (MD) additionally contains start position information of tracks of a data carrier (41), the selection information generating means (425) being arranged for generating selection information (AI) which contains start position information (Yankowski: Column 3, lines 1-41; Column 5, lines 37-53; Column 6, lines 51-63; Column 7, lines 55-67; Column 8, lines 1-13; Figure 2; Figure 3; Here a playback device receives a data carrier and can obtain the playback information. It can also receive the selection information for the data carrier from a remote database, which is then stored in the memory. The information is metadata information of the data in the data carrier consisting track information including the start position and track durations).

18. With respect to claim 15, Yankowski discloses a remote control device (420) as claimed in claim 14, characterized in that the meta data information (MD) and the selection information (AI) contains an identification data block in addition to the start position information, which identification data block can be formed for a data carrier (41) (Yankowski: Column 5, lines 45-53; Column 7, lines 4-42; Column 10, lines 5-17; Here the TOC entry contains time and frame information, the start time can be determined by

that information).

19. With respect to claim 16, Yankowski discloses a remote control device (420) as claimed in claim 14, characterized in that the selection information (AI) is formed by start position information which is determined by time information in hours, minutes, seconds and frames (Yankowski: Column 5, lines 45-53; Column 7, lines 4-42; Column 10, lines 5-17; Here the TOC entry contains time and frame information, the start time can be determined by that information).

20. With respect to claim 17, Yankowski discloses a playback device (10) which comprises the means defined below, namely

receiving means (40) for receiving a data carrier (41) and playback means (51, 52, 53) for playing back user information present on the data carrier (41) and receiving means (13) for receiving selection information (AI) from a remote control device (420) for remote control of the playback device (10) and processing means (51, 60) for processing the selection information (AT), which user information present on the data carrier (41) can be selected, characterized in that a data carrier (41) that can be inserted in the receiving means (40) comprises at least one track while each track is determined by start position information, and the processing means (51, 60) are arranged for processing selection information (AI) which contains start position information, while a selection of a track is made possible by selection information (AI) which contains start position information (Yankowski: Column 3, lines 1-41; Column 5,

lines 37-53; Column 6, lines 51-63; Column 7, lines 55-67; Column 8, lines 1-13; Figure 2; Figure 3; Here a playback device receives a data carrier and can obtain the playback information. It can also receive the selection information for the data carrier from a remote database, which is then stored in the memory. The information is metadata information of the data in the data carrier consisting track information including the start position and track durations).

21. With respect to claim 18, Yankowski discloses a playback device (10) as claimed in claim 17, characterized in that the selection information (AI) contains an identification data block in addition to the start position information, which identification data block can be formed for a data carrier (41) that can be inserted in the receiving means (40) (Yankowski: Column 5, lines 45-53; Column 7, lines 4-42; Column 10, lines 5-17; Here the TOC entry contains time and frame information, the start time can be determined by that information).

22. With respect to claim 21, Yankowski discloses a playback device (10) as claimed in claim 17, characterized in that the selection information (AI) is formed by start position information, the start position information being determined by time information in hours, minutes, seconds and frames (Yankowski: Column 5, lines 45-53; Column 7, lines 4-42; Column 10, lines 5-17; Here the TOC entry contains time and frame information, the start time can be determined by that information).

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

24. Claims 5, 6, 11, 12, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yankowski (US Patent 5,751,672) in view of Mann (US Patent 5,408,642).

25. With respect to claim 5, Yankowski discloses a playback system (400) as claimed in claim 4, characterized in that for generating the identification data block in the meta data generating device (430) and/or in the playback device (10) comprises the following means, namely

determining means (51) for determining the start position information (Yankowski: Column 5, lines 45-53; Column 7, lines 4-42; Column 10, lines 5-17; Here the TOC entry contains time and frame information, the start time can be determined by that information),

However, does not disclose explicitly:

gating means (59) for generating the identification data block by gating part identification blocks and

first generating means (54) for generating a first part identification block from the

start position information and

second generating means (55) for generating a second part identification block from a total number of tracks of the data carrier (41)

where the first generating means (54) are arranged for generating the first part identification block with the aid of an XOR gating and

where the gating means (59) are arranged for generating the identification data block with the aid of an XOR function.

The Mann reference, however, discloses generating means for generating identification blocks with the aid of XOR gating where the gating means are arranged for generating identification data blocks with the aid of an XOR function (Mann: Column 4, lines 51-58; Column 5, lines 19-45).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to combine the teachings of Mann with the Teachings of Yankowski to generate identification blocks with the aid of XOR gating for a method for generating a fingerprint of a program using error detecting techniques such as an exclusive – OR of words in a program to produce a unique signature of a program (Mann: Column 4, lines 51-58).

26. With respect to claim 6, Yankowski in view of Mann discloses a playback system (400) as claimed in claim 5, characterized in that third generating means (56) are additionally provided which are arranged for generating a third part identification block from file names of files contained in the tracks of the data carrier (41) (Yankowski:

Column 7, lines 4-42; Mann: Column 4, lines 51-58; Column 5, lines 19-45; Column 7, lines 44-67; Column 8, lines 1-29).

27. With respect to claim 11. Yankowski discloses a meta data generating device (430) as claimed in claim 10, characterized in that for generating the identification data block the means defined below are comprised, namely

determining means (51) for determining the start position information (Yankowski: Column 5, lines 45-53; Column 7, lines 4-42; Column 10, lines 5-17; Here the TOC entry contains time and frame information, the start time can be determined by that information),

However, does not disclose explicitly:

gating means (59) for generating the identification data block by gating part identification blocks and

first generating means (54) for generating a first part identification block from the start position information and

second generating means (55) for generating a second part identification block from a total number of tracks of the data carrier (41),

the first generating means (54) being arranged for generating the first part identification block with the aid of an XOR gating and

the gating means (59) being arranged for generating the identification data block with the aid of an XOR function.

The Mann reference, however, discloses generating means for generating

identification blocks with the aid of XOR gating where the gating means are arranged for generating identification data blocks with the aid of an XOR function (Mann: Column 4, lines 51-58; Column 5, lines 19-45).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to combine the teachings of Mann with the Teachings of Yankowski to generate identification blocks with the aid of XOR gating for a method for generating a fingerprint of a program using error detecting techniques such as an exclusive – OR of words in a program to produce a unique signature of a program (Mann: Column 4, lines 51-58).

28. With respect to claim 12, Yankowski in view of Mann discloses a meta data generating device (430) as claimed in claim 11, characterized in that, in addition, third generating means (56) are provided which are arranged for generating a third part identification block from file names of files that are contained in the tracks of the data carrier (41) (Yankowski: Column 7, lines 4-42; Mann: Column 4, lines 51-58; Column 5, lines 19-45; Column 7, lines 44-67; Column 8, lines 1-29).

29. With respect to claim 19, Yankowski discloses a playback device (10) as claimed in claim 18, characterized in that for generating the identification data block the means defined below are included, namely

determining means (51) for determining the start position information (Yankowski: Column 5, lines 45-53; Column 7, lines 4-42; Column 10, lines 5-17; Here

the TOC entry contains time and frame information, the start time can be determined by that information),

However, does not disclose explicitly:

gating means (59) for generating the identification data block by gating part identification blocks and

first generating means (54) for generating a first part identification block from the start position information and

second generating means (55) for generating a second part identification block from a total number of tracks of the data carrier (41),

the first generating means (54) being arranged for generating the first part identification block with the aid of an XOR gating and the gating means (59) being arranged for generating the identification data block with the aid of an XOR function.

The Mann reference, however, discloses generating means for generating identification blocks with the aid of XOR gating where the gating means are arranged for generating identification data blocks with the aid of an XOR function (Mann: Column 4, lines 51-58; Column 5, lines 19-45; Column 7, lines 44-67; Column 8, lines 1-29).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to combine the teachings of Mann with the Teachings of Yankowski to generate identification blocks with the aid of XOR gating for a method for generating a fingerprint of a program using error detecting techniques such as an exclusive – OR of words in a program to produce a unique signature of a program (Mann: Column 4, lines 51-58).

30. With respect to claim 20, Yankowski discloses a playback device (10) as claimed in claim 19, characterized in that third generating means (56) are additionally provided which are arranged for generating a third part identification block from file names of files included in the tracks of the data carrier (41) (Yankowski: Column 7, lines 4-42; Mann: Column 4, lines 51-58; Column 5, lines 19-45; Column 7, lines 44-67; Column 8, lines 1-29).

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Inoue reference (US Publication 2005/0165982) teaches about a controller device, communication system and controller method. The Takenaka reference (US Publication 2001/0029587) teaches about a electronic device system and controlling device.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rezwanul Mahmood whose telephone number is (571)272-5625. The examiner can normally be reached on M - F 10 A.M. - 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rezwanul Mahmood
Examiner
Art Unit 2164

SHAHID ALAM
PRIMARY EXAMINER

March 9, 2007